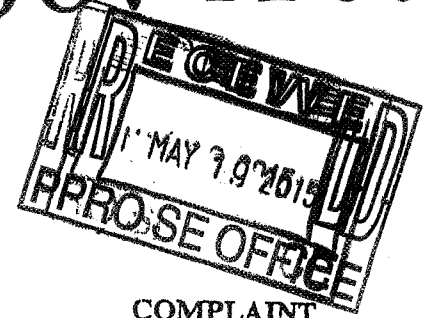


15 CV 4120

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKKALONJI MAHON

(In the space above enter the full name(s) of the plaintiff(s).)



COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983

Jury Trial: Yes ☒ No ☐
(check one)

v.

Defendant No. 1 New York City Police DepartmentDefendant No. 2 COMMISSIONER, of New York City Police Dept.Defendant No. 3 GOVERNOR, of New York StateDefendant No. 4 Detective (former) LUIS RODRIGUEZ SHIELDDefendant No. 5 Number # 3110, North Bronx Narcotics Bureau
SERGEANT JOHN URENA, NARCOTICS BUREAU
BRONX (N.B.B.X.)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. No addresses should be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Kalonji Mahon
 ID # 12A5136
 Current Institution Fish Kill Correctional Facility
 Address P.O. Box 1245
Beacon, New York 12508

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name New York City Police Department Shield # _____
 Where Currently Employed _____
 Address ONE Police PLAZA, New York, NY 10038

Defendant No. 2 Name Commissioner of New York City ~~Police~~ Police Dept.
 Where Currently Employed New York City Police Department
 Address ONE Police PLAZA, New York, NY 10038
in his official and individual capacity

Defendant No. 3 Name Governor, State of New York Shield # _____
 Where Currently Employed _____
 Address _____
in his individual and official capacity

Defendant No. 4 Name Luis Rodriguez (N.B.B.X) Shield # 3110
 Where Currently Employed formerly, New York City Police Dept.
 Address ONE Police PLAZA, New York, NY 10038
in his individual capacity

Defendant No. 5 Name Sergeant John Urena Shield # _____
 Where Currently Employed New York City Police Department
 Address Narcotics Bureau Bronx (N.B.B.X)
ONE Police PLAZA, New York, NY 10038
in his individual and official capacity

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur? see next page
- B. Where in the institution did the events giving rise to your claim(s) occur? _____
- C. What date and approximate time did the events giving rise to your claim(s) occur? _____

D. Facts: On December 1, 2010 in Bronx County, State of New York on corner of Britton Avenue and White Plains Road (inside of a 24 hour food store) at 1:30 AM or so, Plaintiff was arrested by Defendant Luis Rodriguez, shield #3110 of Narcotics Bureau ~~with~~ Bronx Task Force. Later supervising the scene, Defendant Sergeant John Urena, the supervising officer of the Narcotics Bureau Bronx Task Force "Buy & Bust" operations

What happened to you?

Who did what?

Was anyone else involved?

Plaintiff was then charged with criminal sale of controlled substance 3rd under Indictment # 4569/2010 for selling two bags of cocaine to an undercover female officer (U.C.C.O.#202) in exchange for a sum of U.S. currency that was marked (pre-recorded Buy money) which was distributed to her (undercover officer) by Defendant Luis Rodriguez at a T.A.C. meeting earlier that night with Defendant Sgt. John Urena prior to conducting or attempting to arrest people with the pre-recorded Buy money in Buy & Bust operations

Who else saw what happened?

However, plaintiff did not receive notice of the amount of personal money that belonged to plaintiff, before and without the "Buy" money. And during time of plaintiff's trial, on May 17, 2012, Defendant(s) Sgt. John Urena said only the lowest bill or denominator is saved out of the total (P.R.B.M.) "Buy money" which was only \$5.00; because it is or "Pre Recorded"

see Attached page #41

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Inadequate notice and receipt of property seized; inadequate due process; violation of rights to discovery; inadequate access to courts to redress government to return or actually account for property/money in violation of equal protection of the law; violation of process due; inability to assert defend or empower and stake claim for money due to improper, inadequate notice or receipt voucher due to custom policy of not vouchering P.R.M./U.S. currency to allegedly recycle or save money for the government.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act of 1995, 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☐ No ☒

continued from II. Statement of Claim / Facts

was an alleged normal practice of fiscal policy to recycle, or re use, and put back the rest of the money in the "fund" to be used over (if not the money would be perforated & unusable) in order to save the state of New York money.

As a result of the ~~plaintiff's~~ Defendants' actions, plaintiff was/is unable to recover, Reposses or account for all or some of the money that personally belonged to him before his encounter with the female undercover and Defendants acting under the color of State of New York.

This unpublished (fiscal) policy or custom of the Municipal Defendant New York City Police Department violates substantive due process rights of persons and the plaintiff's 14th Const. Amend. that: no one shall be deprived of ... property ... without equal due process of the law. Plaintiff was not given adequate notice/receipt.

SUPPLEMENTAL STATE LAW CLAIM - "New York's duty to preserve evidence ..."
New York St. Const. Art I § 6

Municipal Defendant New York City Police Department has created an widespread unofficial policy, custom or practice where P.R.B.M./U.S. Currency is missing from its obligation/duty to provide adequate and true notice due to persons ^{equally} in the court of law.

Commissioner of N.Y.C.P.D. has supervisor liability in helping create, foster and maintain such an environment that when plaintiff and people in New York City obtain notice of receipt of property after "Buy & Bust arrest" - all U.S. Currency/P.R.B.M. is inadequate. & for in his supervisor liability has failed to adequately train and supervise his subordinate members of the New York City Police Dept.

Governor of the State of New York has supervisor liability in fiscal matters in municipality, N.Y.C.P.D., & has helped create/foster environment where N.Y.P.D. members normal, usual, ongoing practice to lose U.S. Currency through issue of false receipt, and claim that P.R.B.M. is being recycled without due notice, chain of custody or record.

G. If you did not file a grievance, did you inform any officials of your claim(s)?

Yes _____ No _____

1. If YES, whom did you inform and when did you inform them? _____

2. If NO, why not? _____

I. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. _____

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the court to do for you.

AN INJUNCTION of Defendants in their official capacity to stop practice, policy, custom or notouching / counting all of the US CURRENCY involved in "Buy & Bust operations" in New York City because inadequate notice / receipt flows from such a practice & policy which violates substantive process due and adequate access to courts

Compensatory damages from New York City Police Dept. - \$600,000.00. Compensatory

damages from Commissioner of New York City Police Dept. and Governor of New York State's fiscal policies /

\$500,000.00 each. Compensatory damages from Defendants Luis Rodriguez and Sgt. John Urena - \$300,000.00

Punitive damages from Commissioner, New York City Police Dept., \$1,000,000.00

Punitive damages from Governor, New York State, \$1,000,000.00. Punitive damages from Luis Rodriguez and Sgt. John Urena \$750,000.00 each

Compensatory damages = \$1,900,000.00. Punitive damages = 2.5 million in total

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No X

On
these
claims

B. If your answer to A is YES, describe each lawsuit in questions 1 through 7 on the next page. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to this previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

D. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes _____

No ☒

E. If your answer to D is YES, describe each lawsuit in questions 1 through 7 on the next page. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to this previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit: _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

Signed this 14th day of May, 2015. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Plaintiff

Inmate Number

Mailing address

Kalonji Mahon
12 A5136
Kalonji Mahon
Fishkill Correctional Facility
P.O. Box 1245
Beacon, New York 12508

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 14th day of May, 2015, I will deliver this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Kalonji Mahon

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

) S.S. :

COUNTY OF DUTCHESS)

Kalonji Mahon being duly sworn, deposes and states:

1. I am over the age of 18 and reside at Fishkill Correctional Facility, P.O. Box 1245, Beacon, New York 12508-8245.

2. On May 14, 2015, I served the within: 42 USC §1983
and request to proceed in forma pauperis papers

upon:

Clerk, Pro-se Office

at the following address: United States District Court; Southern -
District of New York; 500 Pearl St. ^{RM. 230}; New York, N.Y. 10007
 by depositing a true copy of the within in a post paid properly
 addressed wrapper, in an official depository under the exclusive
 care and custody of the Department of Correctional Services of New
 York.

SWORN TO BEFORE ME THIS

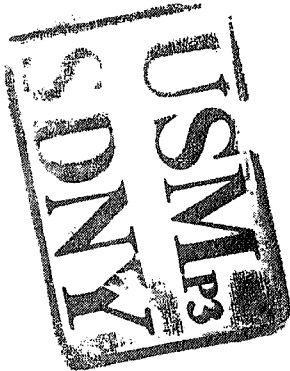
DAY OF

May 14 2015
MARK HEADY
 NOTARY PUBLIC IN THE
~~STATE OF NEW YORK~~
 QUALIFIED IN DUTCHESS COUNTY
 #01HE6066190
 MY COMMISSION EXPIRES 11/2017

Knd
Kalonji Mahon #12A5136
Fishkill Correctional Facility
P.O. Box 1245
Beacon, New York 12508

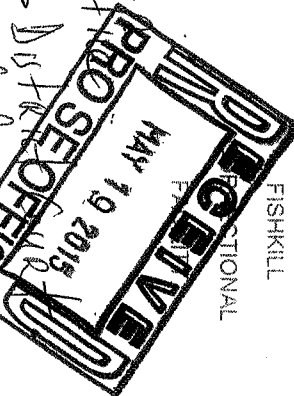
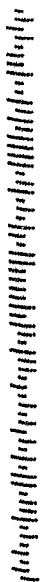
FISHKILL CORRECTIONAL FACILITY
BOX 1245
BEACON, NEW YORK 12508

NAME: Kalaji Mahon DIN: 1245136



Pro-Se Office
United States District Court
Southern District of New York
500 Pearl Street, Room 230
New York, New York 10007

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